

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-18-078-RAW
	)	
WANDA FAYE WILLIAMS;	)	
VINCENT LEON WILLIAMS, SR.;	)	
BOARD OF COUNTY COMMISSIONERS	)	
OF MCINTOSH COUNTY, OKLAHOMA;	)	
COUNTY TREASURER OF MCINTOSH	)	
COUNTY, OKLAHOMA;	)	
STATE OF OKLAHOMA ex rel.	)	
Oklahoma Tax Commission,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION**

This matter comes before this Court on Plaintiff's Motion for Deficiency Judgment After Sale (Docket Entry #41). By Order entered August 27, 2019, United States District Judge Ronald A. White, the judge presiding over this case, referred the subject Motion to the undersigned for the purpose of entering a Report and a Recommendation as to its final disposition. To that end, this Court conducted a hearing on the Motion on October 7, 2019. Cheryl Triplett, Assistant United States Attorney representing Plaintiff was the sole attendee.

On March 14, 2018, Plaintiff initiated this action to seek to foreclose of the mortgages and security agreements securing the promissory notes issued to Defendants Wanda Faye Williams and Vincent Leon Williams, Sr. On March 6, 2019, this Court entered

a Journal Entry of Judgment finding these Defendants had defaulted on the obligations and finding that there remained due and owing \$116,005.71 plus interest. The Court also foreclosed the mortgage and security interests which secured the promissory notes and ordered the sale of the property in satisfaction of the judgment.

After the sale of the property, Plaintiff seeks a deficiency judgment against Defendants Wanda Faye Williams and Vincent Leon Williams, Sr. in the amount of \$21,408.80 plus interest. At the hearing, the Court was advised that Defendant Vincent Leon Williams, Sr. agreed to the entry of the judgment. While Defendant Wanda Faye Williams did not agree to the judgment, she did not appear at the hearing after due notice of the hearing and has not responded to the Motion for Deficiency Judgment.

At the hearing, Plaintiff, through counsel, made a proffer as to the testimony of Melissa Cook, a farm loan specialist with the Farm Service Agency, who was present at the hearing. Counsel proffered that Ms. Cook would testify as to the various credits from the sale of the property securing the promissory notes and the resulting deficiency. Counsel also stated that negotiations had resulted in an agreed judgment against Defendant Vincent Leon Williams, Sr., upon which he as agreed to make monthly payments. Defendant Wanda Faye Williams has been served notice of the proceedings but has not chosen to participate in the negotiations

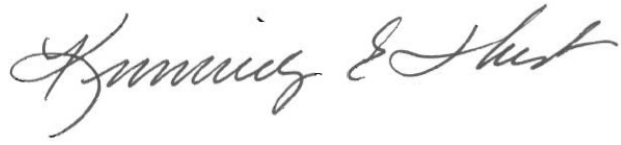
with Plaintiff. As a result, the deficiency on the judgment is \$21,408.80 with interest accruing thereon at the statutory rate. In light of the Judgment entered by the Court and the amount left due and owing as a result of the sale of the collateral securing the promissory notes, this Court finds and recommends that a deficiency judgment be entered in the amount stated.

BASED UPON THE FOREGOING, IT IS THE RECOMMENDATION OF THE UNDERSIGNED that Plaintiff's Motion for Deficiency Judgment After Sale (Docket Entry #41) be **GRANTED** and that a deficiency judgment be entered in favor of the United States of America and against Defendants Vincent Leon Williams, Sr. and Wanda Faye Williams in the amount of \$21,408.80.

IT IS FURTHER RECOMMENDED that the Court execute the judgment submitted by Plaintiff which accurately sets forth the deficiency and reflects the agreement with Defendant Vincent Leon Williams, Sr. and the deficiency judgment against Defendant Wanda Faye Williams as a result of her default.

The parties are herewith given fourteen (14) days from the date of the service of this Report and Recommendation to file with the Clerk of the court any objections, with supporting brief. Failure to object to the Report and Recommendation within fourteen (14) days will preclude appellate review of the judgment of the District Court based on such findings.

IT IS SO ENTERED this 4<sup>th</sup> day of November, 2019.

A handwritten signature in cursive script, reading "Kimberly E. West".

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KIMBERLY E. WEST  
UNITED STATES MAGISTRATE JUDGE